

29524
ABCA rec'd.
1/15/02 - lsb
Approved. 1/23/02

**VOLUNTARY AGREEMENT CONCERNING ISSUANCE OF LICENSE
FOR SALE OF ALCOHOLIC BEVERAGES**

THIS AGREEMENT, made and entered into this 11th day of January, 2002, by and between PERCULUS, INC. trading as THE REEF (hereinafter the "Applicant"), and Kalorama Citizens Association (hereinafter "KCA"), witnesses:

Whereas Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the transfer and substantial change of a class C/R License (License Application No. 29524) for the premises formerly known as Star of Siam upon transfer to be known as "THE REEF", located at 2442-46, 2nd Floor, N.W., Washington, D.C. 20009,

Whereas in recognition of the Board's policy of encouraging parties to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the KCA's concerns and to include this agreement as a formal condition of its application, and (2) the KCA will agree to the transfer and substantial change of the license, *provided* that such agreement is incorporated into the Board's order of the license, which order is thereby conditioned upon compliance with such agreement,

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate the KCA's concerns,

Now therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation shall be:

Sunday through Thursday: 4:00 pm until 2:00 am.
Friday and Saturday: 4:00 pm until 3:00 am.

2. Seating. Seating capacity will not exceed:

Interior tables and bar: 92
Patio(s): N/A
Roof: 50

3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR Section 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises.

4. Trash/Garbage/Rodents. Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof

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dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources and eliminate the rat population.

5. Exterior including public space. (a) Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas at closing.

(b) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.

6. Items specific to establishment.

No music will be played on the roof deck except for ambient dinner music played at a volume level that will not cause any disturbance to neighbors. Music on the roof will be provided by portable equipment only.

7. Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub "crawls".

8. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversations and noise down from 11:00 pm to 7:00 am.

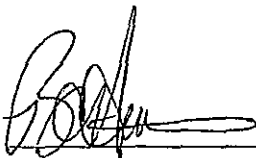
9. Modification. This agreement can be modified only by the ABC Board or the mutual agreement of all the parties with the approval of the ABC Board.

10. Regulations. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.

11. Withdrawal of protests. The KCA agrees to the transfer and substantial change of the license, *provided* that the present Voluntary Agreement is incorporated into the Board's order of the license, which order is thereby conditioned upon compliance with this Voluntary Agreement.

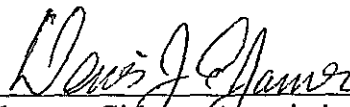
AGREEMENT:

PROTESTANT:



By: Brian C. Harrison
President Perculus Inc.

Date: Jan - 11 - 02.



Kalorama Citizens Association
By: DENIS J. E. JAMES
ABC LICENSING CHAIR FOR
KALORAMA CITIZENS ASSOCIATION

Date: 1. 11-2002

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Perculus, Inc.
t/a The Reef

Application for a Retailer's Class
CR License – Transfer/Sub. Chg.
at premises
2442-46 18th Street, N.W.
Washington, D.C.

Application No. 29524
2002-62

Denis I.E. James, ABC Licensing Chair, on behalf of the Kalorama Citizens Association

Brian C. Harrison, President, on behalf of Perculus, Inc.

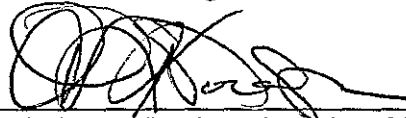
BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy A. Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey E. Thompson, Member

ORDER ON VOLUNTARY AGREEMENT

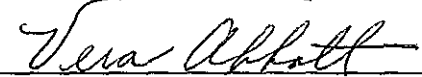
This matter came before the Board for approval on January 23, 2002. The signatories to the attached voluntary agreement dated January 11, 2002, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 (June 1997).

Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 13th day of March 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

District of Columbia
Alcoholic Beverage Control Board



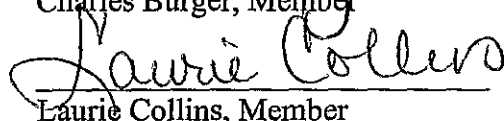
Roderic L. Woodson, Esquire, Chair



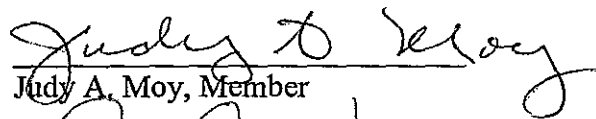
Vera Abbott, Member



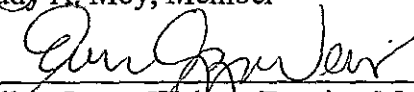
Charles Burger, Member



Laurie Collins, Member



Judy A. Moy, Member



Ellen Oppenheimer, Esquire, Member



Audrey E. Thompson, Member